

Attorney Docket No.: 9150-0008.10

Applicant: Toyokazu Ishikawa, et al.

Serial No.: 09/555,704

Filing Date: June 2, 2000

For: **EHANCED IMMUNOGEN FOR INACTIVATED VACCINE FOR  
INFECTION WITH JAPANESE ENCEPHALITIS VIRUSES  
AND PROCESS FOR PRODUCING THE SAME**

**Small Entity Statement Under  
37 CFR §1.9(f) and §1.27(c) - Nonprofit Organization**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: **THE RESEARCH FOUNDATION FOR MICROBIAL  
DISEASES OF OSAKA UNIVERSITY**

Address of Organization: **c/o Osaka University 3-1, Yamadaoka, Suita-shi,  
Osaka 565-0871 Japan**

- ☒ **University or other institution of higher education.**
- ☐ Tax exempt under Internal Revenue Service Code (26 USC §501(a) and §501(c)(3)).
- ☐ Nonprofit scientific or educational under statute of state of the United States of America.
- ☐ Name of State: ☐ Citation of Statute:
- ☐ Would qualify as tax-exempt under Internal Revenue Service Code (26 USC §501(a) and §501(c)(3)) if located in The United States of America.
- ☐ Would qualify as nonprofit scientific or educational non-profit under statute of state of The United States of America if located in The United States of America.
- ☐ Name of State: ☐ Citation of Statute:

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9 (e), for purposes of paying reduced fees under 35 U.S.C. §41 to the U.S. Patent and Trademark Office in connection with the invention described in the above-referenced application. If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR §1.9 (d) or by any concern which would not qualify as an independent inventor under 37 CFR §1.9 (c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR §1.9 (d) or a nonprofit organization under 37 CFR §1.9 (e).

NOTE: Separate Verified Statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR §1.27).

09555704-060200

THE RESEARCH FOUNDATION FOR MICROBIAL  
DISEASES OF OSAKA UNIVERSITY

Name: c/o Osaka University 3-1, Yamadaoka, Suita-shi,  
Address: Osaka 565-0871 Japan

☐ individual ☐ small business concern ☒ nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR §1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this statement is directed.

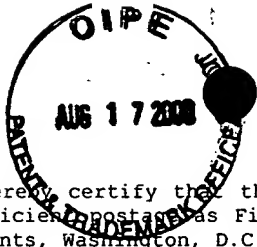
Name of person signing: Yasushi HIGASHI

Title of person signing: Director General

c/o Osaka University 3-1, Yamadaoka, Suita-shi,  
Address of person signing: Osaka 565-0871 Japan

Signature: Yasushi Higashi

Date: July 24, 2000



422 Rec'd CT/PTO 17 AUG 2000

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231, on:

Date:

August 7, 2000

By:

*Jennifer Mahony*

Docket No. 9150-0008.10

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Ishikawa, et al.

SERIAL No.: 09/555,704

FILED: June 1, 2000

FOR: EHHANCED IMMUNOGEN FOR  
INACTIVATED VACCINE FOR INFECTION  
WITH JAPANESE ENCEPHALITIS  
VIRUSES AND PROCESS FOR PRODUCING  
THE SAME

EXAMINER: Unknown

ART UNIT: Unknown

Response to Notice to File Missing  
Parts of Application

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

1. In response to the Notification of Missing Requirements mailed July 6, 2000 (copy enclosed), applicant submits the following:

- ☒ An Executed Declaration and Power of Attorney
- ☒ A Verified Statement Claiming Small Entity Status
- ☒ a copy of an assignment recordation cover sheet (Form PTOL-1595) for assignment(s) being filed separately.

2. Conditional Petition for Extension of Time

- ☒ The due-date for this response is August 6, 2000, which falling on a Sunday, extends the period for response to Monday, August 07, 2000.

Applicant petitions for an Extension of Time if necessary for timely filing of this Response.

3. Fee Payment

- ☒ Enclosed is a check for \$65.00 in payment of the basic surcharge for late filing of declaration or oath (\$65.00).
- ☒ Please charge any underpayment for timely filing of this Response to Deposit Account No. 04-0531.

Respectfully submitted,

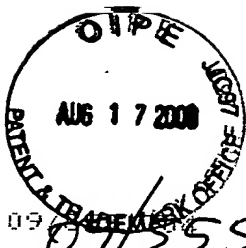
*Judy M.*

Date: August 7, 2000

Judy M. Mohr  
Registration No. 38,563

**Correspondence Address:**

Customer No. 22918



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

09/11/2000 07/555704

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9150-0008.10

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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022918

5071

IOTA PI LAW GROUP  
350 CAMBRIDGE AVENUE SUITE 250  
P O BOX 60850  
PALO ALTO CA 94306-0850

PCT/JP99/02931 INTERNATIONAL APPLICATION NO.
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FILED DATE 06/10/99	PRIORITY DATE 10/05/98
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DATE MAILED: 07/06/00

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☒ a Designated Office (37 CFR 1.494),
- ☐ an Elected Office (37 CFR 1.495):
- ☐ U.S. Basic National Fee.
- ☐ Copy of the international application in:
  - ☐ a non-English language.
  - ☐ English.
- ☐ Translation of the international application into English.
- ☐ Oath or Declaration of inventors(s) for DO/EO/US.
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☐ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_
- ☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed \_\_\_\_\_
- ☐ Verified Statement Claiming Small Entity Status.
- ☒ Priority Document.
- ☒ Copy of the International Search Report ☒ and copies of the references cited therein.
- ☐ Other:

**RECEIVED**

JUL 10 2000

DEHLINGER & ASSOCIATES,

**DOCKETED FOR**

6-AUGUST-00

INITIALS

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
  - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☒ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later that the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not submitted.